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June 22, 2006

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: Request For Waiver of Replication/Maximization Interference Protection Deadline  
WMBC-TV, Newton, New Jersey (FIN: 43952)  
DTV Construction Permit File No. BPCDT-19990625KI, as “maximized” by  
FCC File No. BPCDT-19991029AFC and modified by BMPCDT-20040722ADG  
MB Docket 03-15**

Dear Ms. Dortch:

Mountain Broadcasting Corporation (“Mountain”), the licensee of the above-referenced television station and the permittee of the above-referenced digital television (“DTV”) construction permit, by its counsel and pursuant to the Media Bureau’s recent Public Notice,<sup>1</sup> hereby respectfully requests an extension of the July 1, 2006 replication/maximization interference protection deadline for DTV licensees and permittees. Mountain is currently operating WMBC-DT at reduced power from that authorized, and from a temporary location, pursuant to a grant of special temporary authority (“STA”), which was most recently extended on May 11, 2006 (FCC File No. BEDSTA-20060411ADB).

The Commission affirmed in the *Public Notice* that a waiver of the July 1, 2006 replication/maximization interference protection deadline may be granted if a DTV licensee/permittee can demonstrate that it is unable to provide the required service due to circumstances beyond its control.<sup>2</sup> As provided herein, Mountain warrants that such circumstances exist.

WMBC-TV currently provides hundreds of thousands of viewers in the New York DMA with a significant source of programming that is offered in numerous foreign languages, as well

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<sup>1</sup> *DTV Channel Election Issues – Compliance with the July 1, 2006 Replication/Maximization Interference Protection Deadline; Stations Seeking Extension of the Deadline, Public Notice*, DA 06-1255 (rel. June 14, 2006) at 5 (“Public Notice”).

<sup>2</sup> *Public Notice* at 2. See also *Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279 (2004), at ¶ 87.

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as wholesome, uplifting programming consistent with positive family values. In particular, WMBC-TV broadcasts a variety of news, sports and entertainment programming every day from Korea, China, Japan, Italy, India and Austria to serve the New York market's populous ethnic audiences. WMBC-TV also produces local news broadcasts in both English and Korean five nights per week. Such a diverse mix of programming is very likely not available from any other single program provider in the New York DMA. Mountain is dedicated to rolling out DTV service in its maximized service area as quickly as possible, and anticipates filing an application for a license to cover the above-referenced construction permit in the near term. Mountain's interest in providing digital service to its viewers is further illustrated by its construction of a state of the art digital studio that can accommodate hundreds of in-house viewers, which is expected to be completed shortly.

As previously reported to the Commission, Mountain has experienced significant difficulty in securing a location on which to install an antenna for WMBC-DT. First, the owner of the tower on which the WMBC-TV analog antenna is located advised Mountain that space was not available for the station's associated DTV antenna. Accordingly, in 1999, Mountain obtained a construction permit from the Commission to build a new tower in Sparta, New Jersey (the "Sparta Site"), on which it proposed to co-locate its analog and DTV facilities (the "Original DTV Permit"). In 2001, the Zoning Board of Adjustment of the Township of Sparta denied Mountain's request for a height variance to build a new tower as specified in the Original DTV Permit. Both the Superior Court of New Jersey, Law Division - Sussex County and the Superior Court of New Jersey, Appellate Division upheld the lower tribunal's decision, and in 2002, the Supreme Court of New Jersey denied Mountain's petition for a writ of certiorari to have that Court consider an appeal.

As the Commission also is aware, concurrent with that litigation was separate litigation involving Mountain's dispute with the New Jersey Department of Environmental Protection (the "NJDEP"), which administers the Sparta Site. The NJDEP, which approved Mountain's proposed use of the Sparta Site and entered a lease agreement with Mountain, subsequently contended that Mountain had defaulted on certain prerequisites to that lease and that the agreement was no longer in effect. Mountain filed suit before the Superior Court of New Jersey, Chancery Division - Sussex County, contending that the NJDEP had wrongfully attempted to terminate the lease. That Court ruled in favor of the NJDEP in 2002. In 2004, the Superior Court of New Jersey, Appellate Division upheld the lower court's decision, and later that year, the Supreme Court of New Jersey again denied Mountain's petition for a writ of certiorari.

While these civil cases were ongoing, Mountain continuously provided DTV service under STA to viewers in Newton, New Jersey and the surrounding areas, thereby demonstrating its commitment to implementing DTV service. Suddenly faced with dwindling prospects for securing space on a tower for full-power DTV operations, Mountain subsequently entered into

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negotiations with the New Jersey Public Broadcasting Authority (the "NJPBA"), the licensee of noncommercial educational station WNJN-TV, permittee of sister station WNJN-DT and the owner of a tower in Montclair, New Jersey (the "Montclair Tower"). In July 2004, Mountain entered into an agreement with the NJPBA whereby Mountain would be permitted to install an antenna for WMBC-DT on the Montclair Tower in exchange for providing funding to the NJPBA to purchase and install the WNJN-DT digital antenna. The parties agreed that the two antennas would be co-located, with the WNJN-DT antenna located immediately below the WMBC-DT antenna, and would be installed contemporaneously, under the joint supervision of both parties. In March 2005, the Commission granted Mountain's request for a modification of the Original DTV Permit (the "DTV Permit Modification").

Accordingly, and as a practical matter, in order to implement the DTV Permit Modification, Mountain and the NJPBA were required to order the same make and model of DTV antenna. However, the NJPBA experienced significant delays in its acquisition process, in part because it was required to comply with New Jersey state laws governing competitive bidding. Mountain made numerous contacts and inquiries with the NJPBA staff following the grant of the DTV Permit Modification, explaining the urgency of ordering the necessary equipment in an expedited fashion, in light of the expected manufacturer's delivery time of 3-4 months and the looming July 1, 2006 deadline. Unfortunately, due to internal state procedures, the NJPBA was not able to order its DTV antenna until January 2006. Mountain placed its order immediately thereafter.

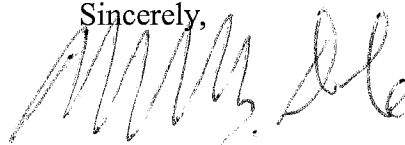
Earlier this month, Mountain finally obtained delivery of all equipment necessary to commence DTV operations from the Montclair Tower. Mountain anticipates that the joint WMBC-DT/WNJN-DT antenna will be installed shortly, the schedule of the antenna manufacturer and weather permitting. Following that installation, the joint antenna will have to be linked up with the transmission line, and then equipment tests will commence. Accordingly, an extension of the July 1, 2006 deadline will be necessary to provide Mountain with sufficient time to conduct appropriate testing and to prepare an application for a license to cover the DTV Permit Modification.

Based on the foregoing, the public interest would be served by grant to Mountain of a waiver of the replication/maximization interference deadline with respect to WMBC-DT. Such action is warranted in this case, since as explained above, any delays associated with complying with the July 1 deadline were out of Mountain's control. The public interest would be served by this grant, as Mountain will soon be able to provide viewers within its maximized service area with the diverse and wholesome programming that it has provided to viewers in its analog service area over the past decade.

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Should there be any questions in connection with this request, please communicate with the undersigned directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark B. Denbo', written in a cursive style.

Mark B. Denbo  
*Counsel for Mountain Broadcasting Corp.*

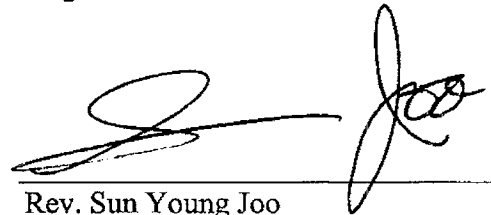
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cc: Shaun Maher/FCC (*via e-mail*)

**CERTIFICATION**

I, Rev. Sun Young Joo, Chairman of the Board of Directors and CEO of Mountain Broadcasting Corporation, hereby certify that the statements in the foregoing request for Waiver of Replication/Maximization Interference Protection Deadline are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

By: \_\_\_\_\_

  
Rev. Sun Young Joo  
Chairman of the Board of Directors and CEO,  
Mountain Broadcasting Corp.

DATE: \_\_\_\_\_

6/21/06